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EXPRESS MAIL NO. EV336594525US

PTO/SB/01A (10-00).

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**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION
USING AN APPLICATION DATA SHEET (37 CFR 1.76)**

Title of Invention

PREVENTION OF MEMBRANE CONTAMINATION IN
ELECTROCHEMICAL FUEL CELLS

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
☒ Application No. 10/693,672, filed on October 23, 2003,
☐ as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor one: Gregory A. James

Citizen of: Canada

Signature: 

Date: Dec 2/03

Inventor two: Sean M. MacKinnon

Citizen of: Canada

Signature: 

Date: Dec 2/03

Inventor three: Duarte R. Sousa

Citizen of: Canada

Signature: 

Date: Dec 1/03

Inventor four: David A. Summers

Citizen of: Canada

Signature: 

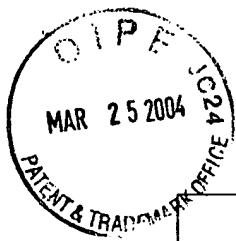
Date: Nov 28/03

X Additional inventors are being named on 1 additional form(s) attached hereto.

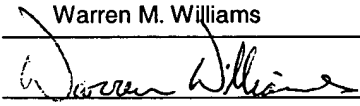
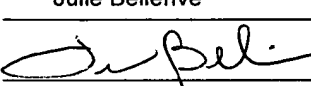
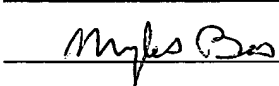
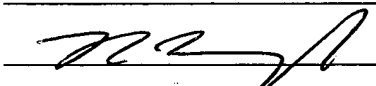
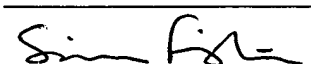
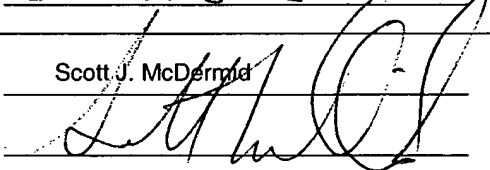
Burden Hour Statement: This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

Docket No. 130109.507

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**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION
USING AN APPLICATION DATA SHEET (37 CFR 1.76)****ADDITIONAL INVENTOR(S)
Supplemental Sheet**Page 2 of 2

FULL NAME OF INVENTOR(S)

Inventor five:	<u>Warren M. Williams</u>	Citizen of:	<u>Canada</u>
Signature:	<u></u>	Date:	<u>01 DEC '03</u>
Inventor six:	<u>Julie Bellerive</u>	Citizen of:	<u>Canada</u>
Signature:	<u></u>	Date:	<u>10 DEC 2003</u>
Inventor seven:	<u>Myles L. Bos</u>	Citizen of:	<u>Canada</u>
Signature:	<u></u>	Date:	<u>Dec 4/03</u>
Inventor eight:	<u>Robert B.P. Rempel</u>	Citizen of:	<u>Canada</u>
Signature:	<u></u>	Date:	<u>DEC 5/03</u>
Inventor nine:	<u>Simon Farrington</u>	Citizen of:	<u>Great Britain</u>
Signature:	<u></u>	Date:	<u>28 Nov. '03</u>
Inventor ten:	<u>Scott J. McDermid</u>	Citizen of:	<u>Canada</u>
Signature:	<u></u>	Date:	<u>Dec. 11/03</u>

☐ Additional inventors are being named on _____ additional form(s) attached hereto.



EXPRESS MAIL NO. EV336594525US

PTO/SB/81 (06-03)

Approved for use through 11/30/2005. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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ELECTION AND POWER OF ATTORNEY and CORRESPONDENCE ADDRESS INDICATION FORM	Application Number	10/693,672
	Filing Date	October 23, 2003
	First Named Inventor	Gregory A. James
	Title	PREVENTION OF MEMBRANE CONTAMINATION IN ELECTROCHEMICAL FUEL CELLS
	Art Unit	
	Examiner Name	
	Attorney Docket Number	130109.507

I hereby appoint:

☒ Practitioners at Seed IP Law Group PLLC, Customer Number: **00500**

OR

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☒ The above-mentioned Customer Number.

OR

☐ The address associated with Customer Number:

OR

☐ Firm or
Individual Name

I am the:

☐ Applicant/Inventor.☒ Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ As assignee of record of the entire interest I/we hereby elect, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventor(s).**SIGNATURE of Applicant or Assignee of Record**

Name	Noordin S.K. Nanji – Vice-President, Corporate Strategy & Development
Signature	
Date	December 11, 2003
Name	Dave Smith – Chief Financial Officer
Signature	
Date	December 15, 2003

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Gregory A. James et al.Application No./Patent No.: 10/693,672 Filed/Issue Date: October 23, 2003Entitled: PREVENTION OF MEMBRANE CONTAMINATION IN ELECTROCHEMICAL FUEL CELLSBallard Power Systems Inc.

(Name of Assignee)

a

Corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a **copy thereof is attached**.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

☐ Additional documents in the chain of title are listed on a supplemental sheet.☐ Copies of assignments or other documents in the chain of title are attached.

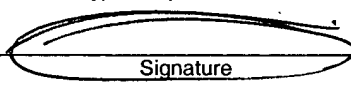
The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

December 11, 2003

Date

Noordin S.K. Nanji

Typed or printed name


SignatureVice-President, Corporate Strategy & Development

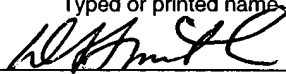
Title

December 15, 2003

Date

Dave Smith

Typed or printed name


SignatureChief Financial Officer

Title

ASSIGNMENT

WHEREAS, we,

Name	Post Office Address	
Gregory A. James	1123 Rochester Avenue, Coquitlam, British Columbia, CANADA V3K 2X3	;
Sean M. MacKinnon	#317 – 7383 Griffiths Drive, Burnaby, British Columbia, CANADA V5E 4M8	;
Duarte R. Sousa	8277 149A Street, Surrey, British Columbia, CANADA V3S 7R9	;
David A. Summers	2851 West 7th Avenue, Vancouver, British Columbia, CANADA V6K 1Z5	;
Warren M. Williams	4443 Glencanyon Drive, North Vancouver, British Columbia, CANADA V7N 4B4	;
Julie Bellerive	#201B – 7025 Stride Avenue, Burnaby, British Columbia, CANADA V3N 1T3	;
Myles L. Bos	8076 13th Avenue, Burnaby, British Columbia, CANADA V3N 2G2	;
Robert B.P. Rempel	#407 – 237 East 4th Avenue, Vancouver, British Columbia, CANADA V5T 4R4	;
Simon Farrington	3416 West 2nd Avenue, Vancouver, British Columbia, CANADA V6R 1J2	; and
Scott J. McDermid	#203 – 3820 Cambie Street, Vancouver, British Columbia, CANADA V5Z 2X7	,

(hereinafter referred to as ASSIGNORS), having post office addresses as listed above next to our names, are the joint inventors of an invention entitled

PREVENTION OF MEMBRANE CONTAMINATION
IN ELECTROCHEMICAL FUEL CELLS

as described and claimed in the specification for which an application for United States letters patent was filed on October 23, 2003, and assigned Application No. 10/693,672;

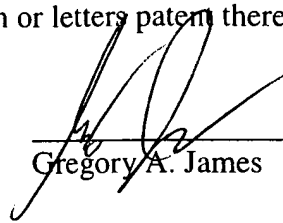
WHEREAS, Ballard Power Systems Inc. (hereinafter referred to as ASSIGNEE), a Canadian corporation having a place of business at 4343 North Fraser Way, Burnaby, British Columbia, Canada V5J 5J9, is desirous of acquiring the entire right, title and interest in and to said invention, this application, and any letters patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell, assign and transfer unto said ASSIGNEE the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNORS had this assignment, transfer and sale not been made. ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNORS agree to execute all instruments and documents required for the making and prosecution of applications for United

States and foreign letters patent on said invention, for litigation regarding letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

2-December-03

Date



Gregory A. James

City of Burnaby)

Province of BC)

ss.

I certify that I know or have satisfactory evidence that Gregory A. James is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

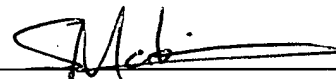
Dated Dec 2, 2003

Signature of Notary Public 

Printed Name VICTOR TUOMI

My appointment does not expire

Dec 2/03
Date



Sean M. MacKinnon

City of Burnaby)

Province of BC)

ss.

I certify that I know or have satisfactory evidence that Sean M. MacKinnon is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated Dec 2, 2003

Signature of Notary Public 

Printed Name VICTOR TUOMI

My appointment does not expire

Dec 1/03
Date

Duarte R. Sousa
Duarte R. Sousa

City of Burnaby)
Province of BC)

ss.

I certify that I know or have satisfactory evidence that Duarte R. Sousa is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated Dec 1, 2003

Signature of Notary Public Victor Tuomi

Printed Name VICTOR TUOMI

My appointment does not expire

Nov 28/03
Date

David A. Summers
David A. Summers

City of Burnaby)
Province of BC)

ss.

I certify that I know or have satisfactory evidence that David A. Summers is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated Nov 28, 2003

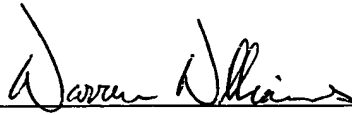
Signature of Notary Public Victor Tuomi

Printed Name VICTOR TUOMI

My appointment does not expire

01 DEC 2003

Date



Warren M. Williams

City of BURNABY)

Province of B.C.)

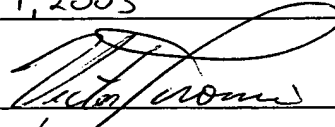
ss.

I certify that I know or have satisfactory evidence that Warren M. Williams is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated

DEC 1, 2003

Signature of
Notary Public



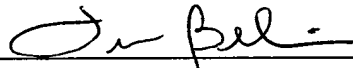
Printed Name

VICTOR TUOMI

My appointment does not expire

10 DEC 2003

Date



Julie Bellerive

City of BURNABY)

Province of BC)

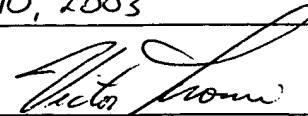
ss.

I certify that I know or have satisfactory evidence that Julie Bellerive is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated

Dec 10, 2003

Signature of
Notary Public



Printed Name

VICTOR TUOMI

My appointment does not expire

Date Dec 4/03 Myles Bos
Myles L. Bos
City of Burnaby)
Province of BC) ss.

I certify that I know or have satisfactory evidence that Myles L. Bos is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated 04 December 03
Signature of [Signature]
Notary Public
Printed Name KERRY B. HILLIER
My appointment does not expire

Date 05 DECEMBER 2003 [Signature]
Robert B.P. Rempel
City of BURNABY)
Province of BC) ss.

I certify that I know or have satisfactory evidence that Robert B.P. Rempel is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated DEC 5, 2003
Signature of [Signature]
Notary Public
Printed Name VICTOR Tuomi
My appointment does not expire

28th Nov. '03.
Date

Simon Farrington
Simon Farrington

City of Burnaby)
Province of BC)

ss.

I certify that I know or have satisfactory evidence that Simon Farrington is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated Nov 28, 2003

Signature of
Notary Public Victor Tuomi

Printed Name VICTOR TUOMI

My appointment does not expire

Dec 11/03
Date

Scott J. McDermid
Scott J. McDermid

City of Burnaby)
Province of B.C.)

ss.

I certify that I know or have satisfactory evidence that Scott J. McDermid is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated Dec 11, 2003

Signature of
Notary Public Victor Tuomi

Printed Name VICTOR TUOMI

My appointment does not expire